

1761

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Richard V. Lucas
Application No.:	09/804180
Filed:	March 12, 2001
For:	Meal Cooler Centrifugal Separator
Examiner:	Robert A. Madsen
Group Art Unit:	1761

Mail Stop _____
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Docket No.: S111.2H-9524-US

TERMINAL DISCLAIMER TO OBLVIAE A PROVISIONAL DOUBLE
PATENTING REJECTION OVER A PENDING SECOND APPLICATION

The owner, Scott Equipment, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 09/659,909, filed on September 12, 2000, of any patent on the pending second application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C.154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

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Check either box 1 or 2 below, if appropriate.

1. For submission on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf on the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. The undersigned is an attorney of record.

September 5, 2003
Date

Signature

Edwin E. Voigt II
Typed or printed name

Terminal disclaimer fee under 37 CFR 1.20(d) included.
 PTO suggested wording for terminal disclaimer was
 unchanged changed (if changed, an explanation should be supplied).

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DATE: September 5, 2003 TIME: 3:17 pm FACSIMILE NO.: 703-872-9310
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FACSIMILE TRANSMITTAL LETTER

Following please find a(n) 8 Pg Petition for Extension of Time; 2 Pg Terminal Disclaimer; 2 PTO-2038 Forms; 10 Pg Amendment; and 1 page Facsimile Transmittal Letter.

With respect to fees: No additional fee is believed to be required
 Additional fees required - Credit Card Authorization PTO-2038 Form Attached
 Charge any fee deficiency to our Deposit Account No. 22-0350

Conditional Petition

If any extension of time for the accompanying response is required or if a petition for any other matter is required, applicant requests that this be considered a petition therefore.

If any additional fees associated with this communication are required and have not otherwise been paid, please charge the additional fees to Deposit Account No. 22-0350. Please credit overpayment associated with this communication to the Deposit Account No. 22-0350.

Respectfully submitted,
 VIDAS, ARRETT & STEINKRAUS

Date: September 5, 2003

By: _____


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Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. 703-872-9310, on September 5, 2003.

Signature: 
 Mary C. Grainger

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Application Number 	Application No. 09/804,180	Applicant(s) LUCAS, RICHARD V.

TERMINAL DISCLAIMER	<input checked="" type="checkbox"/> APPROVED	<input type="checkbox"/> DISAPPROVED
Document Code - DISQ	This patent is subject to a Terminal Disclaimer	
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